

ZB# 06-42

Diane Buckner

45-3-8

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Granted 8-28-06

06-42 Diane Buckner (INT/VAR)
16 Cannon Dr.

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 45-3-8

In the Matter of the Application of

DIANE BUCKNER

MEMORANDUM OF
DECISION GRANTING

AREA

CASE #(06-42)

WHEREAS, Diane Buckner, owner(s) of 16 Cannon Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 16 ft. 6 inch Front Yard Setback and; 27 ft. 6 inch Front Yard Setback and; a 5 ft. Rear Yard Setback for addition to single family home and; Interpretation and/or variance for single family home with two kitchens at 16 Cannon Drive, on a Corner Lot, in an R-4 Zone (45-3-8)

WHEREAS, a public hearing was held on August 28, 2006 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there was one spectator(s) appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; but the spectator present presented questions after which she had no opposition to the application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties in an R-4 zone.
 - (b) The applicant proposes to build an addition for the residence by applicant's mother.

- (c) With the addition, the structure is and will remain a single family structure and the addition will not be used by this applicant for rental purposes.
- (d) The addition and the entire house will be served by a single meter for gas and electric and will be operated on a single heating system.
- (e) In constructing the addition, the applicant will not remove any trees or substantial vegetation.
- (f) In building the addition the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements
- (g) In building the addition, the applicant will not create the ponding or collection of water or divert the flow of water drainage.
- (h) With the addition, the house will be similar in size and nature to other houses in the neighborhood.
- (i) The house is a single family home, has always been a single family home and will remain a single family home.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

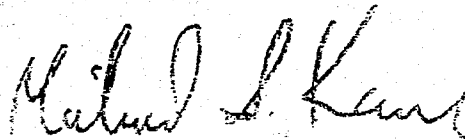
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 16 ft. 6 inch Front Yard Setback and; 27 ft. 6 inch Front Yard Setback and; a 5 ft. Rear Yard Setback for addition to single family home and; Interpretation and/or variance for single family home with two kitchens at 16 Cannon Drive, on a Corner Lot, in an R-4 Zone (45-3-8) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

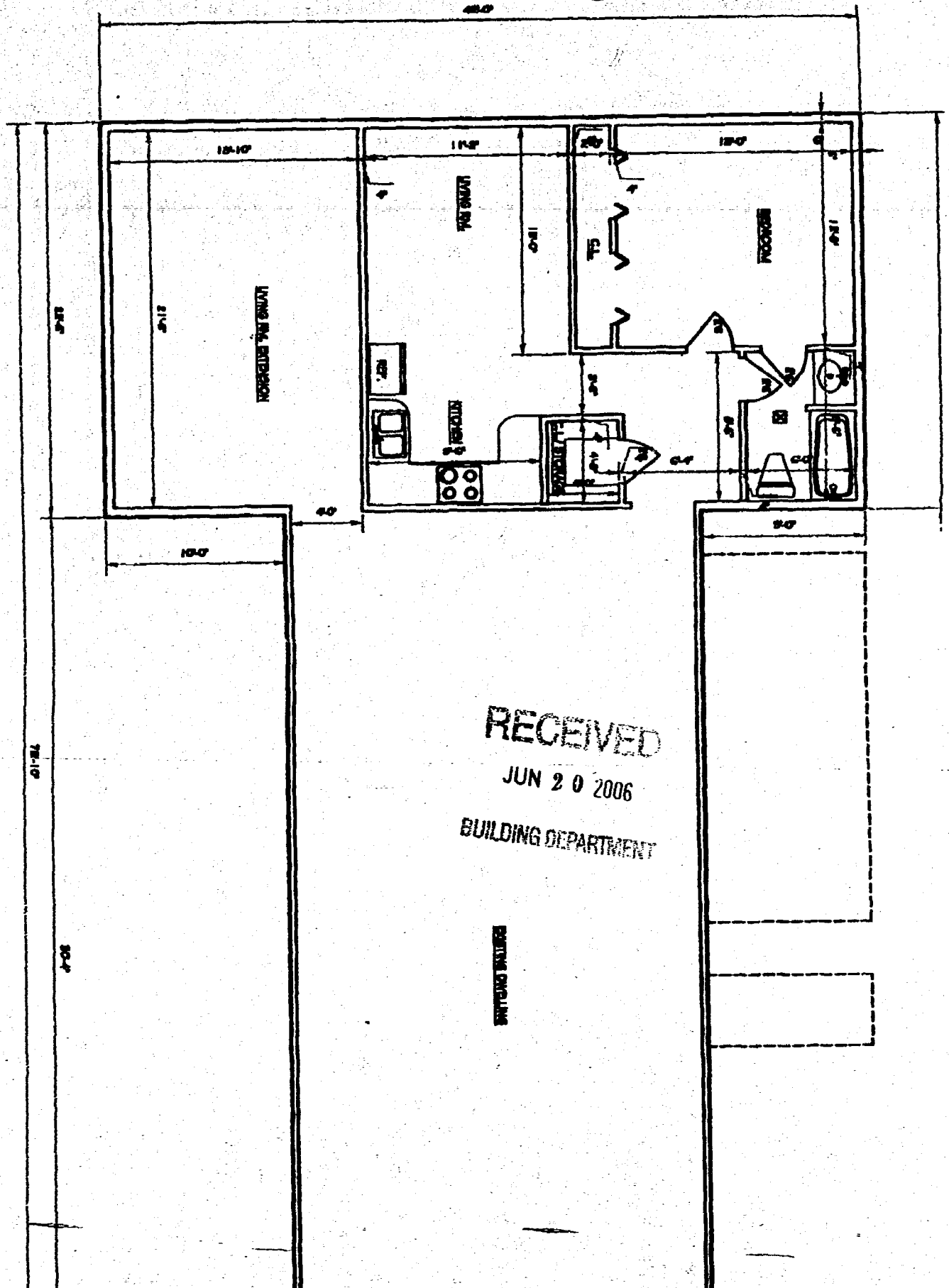
BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: August 28, 2006



Chairman



RECEIVED

JUN 20 2006

BUILDING DEPARTMENT

ENTRY

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: March 13, 2006

APPLICANT: Ronald H. Buckner
16 Cannon Drive
New Windsor, New York 12553

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: March 13, 2006

FOR : Ronald H. Buckner & Diane Wilkenson Buckner

LOCATED AT: 16 Cannon Drive

ZONE: R-4 Sec/Blk/ Lot: 45-3-8

DESCRIPTION OF EXISTING SITE: Single Family with proposed addition and 2nd kitchen

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-10 USE/BULK TABLE R-4 ZONE LINE 6 SINGLE FAMILY DWELLINGS. TWO FRONT YARD VARIANCES ARE REQUIRED, A REAR YARD VARIANCE. 300-90 INTERPRETATION. A SINGLE FAMILY DWELLING WITH TWO KITCHENS OR A TWO FAMILY DWELLING.

Louis J. Kyron
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: SINGLE FAMILY DWELLING

MIN LOT AREA:

MIN LOT WIDTH:

6-E REQ'D FRONT YD: 45'

1-28'6"

1-16'6"

: 45'

1-~~28~~ 17'6"

1-~~16~~ 27'6"

REQ'D TOTAL SIDE TD:

6-G REQ'D REAR YD: 50'

45'

5'

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

S

ATTN. LOU

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
 IMPORTANT
 YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

MAR 13 2006

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway pond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

FOR OFFICE USE ONLY:
 Building Permit #: 2006-200

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
 REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Ronald Buckner

Address 16 Cannon Dr. N.W.

Phone # 565-2624
877-914-804-3110

Mailing Address _____

Fax # _____

Name of Architect _____

Address

Phone

RECEIVED

Name of Contractor

Ray Pauline

MAR 13 2006

Address

Phone

BUILDING DEPARTMENT

State whether applicant is owner, lessee, agent, architect, engineer or builder

Owner

If applicant is a corporation, signature of duly authorized officer

(Name and title of corporate officer)

1. On what street is property located? On the Cannon Dr side of Musket
(N, S, E or W)
and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N ☒
3. Tax Map Description: Section 45 Block 3 Lot 8
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy home b. Intended use and occupancy _____
5. Nature of work (check if applicable) ☐ New Bldg. ☒ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
6. Is this a corner lot? YES 1 STORY ADDITION WITH SECOND KITCHEN
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories 1
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
- Number of bedrooms 1 Baths 1 Toilets 1 Heating Plant: Gas _____ Oil ☒
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost

Fee

\$ 50.00 CK# 2250**PAID**

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Baheock
Asst. Inspectors: Frank Liel & Louis Krycheer
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4818
(845) 563-4895 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Diann Culikinson 16 Cannon Dr.
(Signature of Applicant) (Address of Applicant)

(Owner's Signature)

(Owner's Address)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

N

W

E

S

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT

ATTN. YOU

"Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owners."

"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law."

"Only copies from the original of this survey marked with an original of the land surveyor's inked seal or his embossed seal shall be considered to be valid true copies."



Ronald Buckner
Diane W. Buckner
Citibank, (New York State)
its successors and/or assigns.
National Title Insurance Co.
Certified true and correct
as shown hereon.

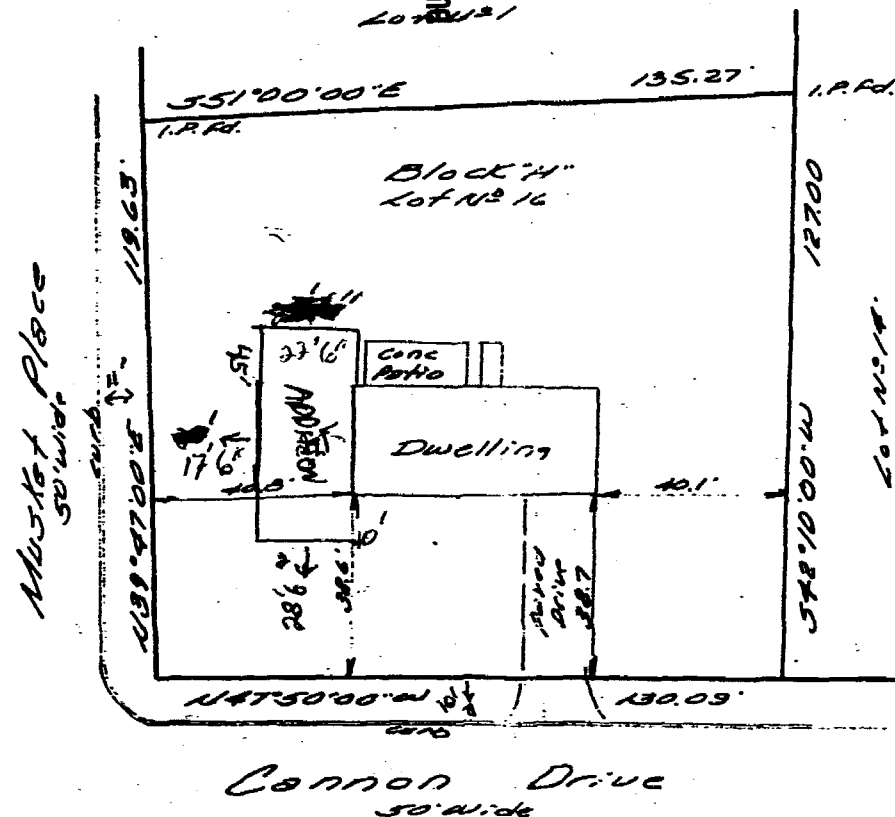
Donald A. Webb
L.C. No 48368.

RECEIVED

MAR 13 2006

PLANNING DEPARTMENT

40-10421



Town of New Windsor Tax Map
Section 45 Block 3 Lot B
Map Reference:
"Gateway"
Filed October 15, 1963
Map N° 2009

Survey Map For

Ronald Buckner
Diane W. Buckner

SCALE: 1/330'

APPROVED BY:

DRAWN BY

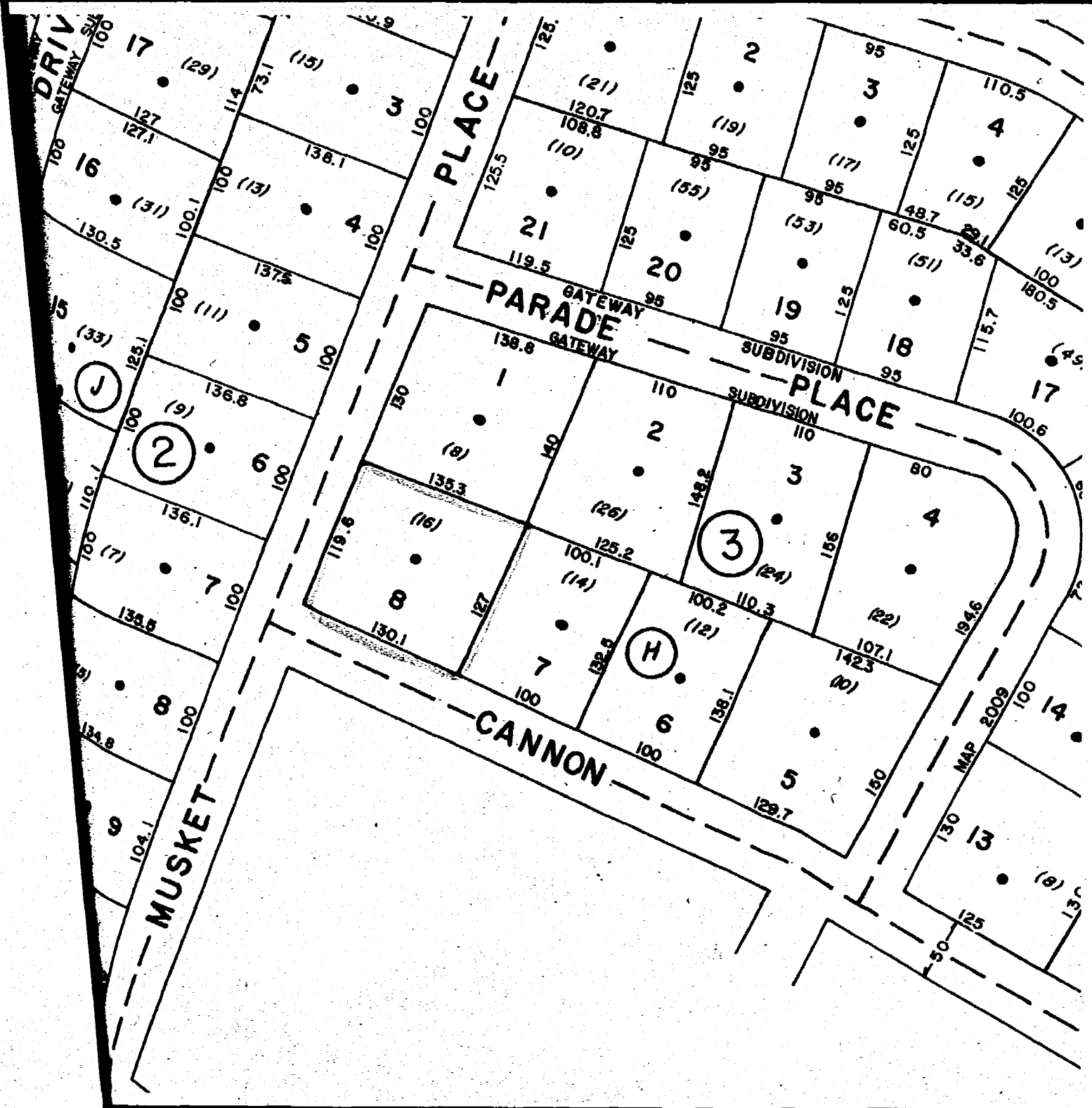
DATE: Oct. 2, 1987

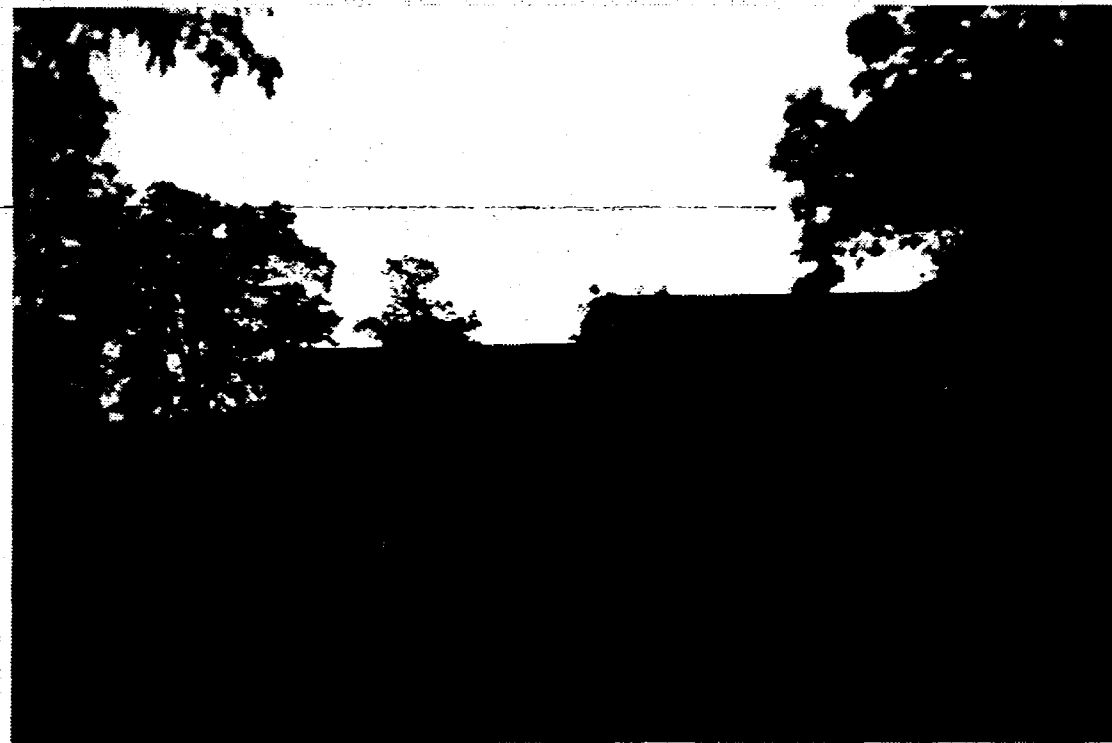
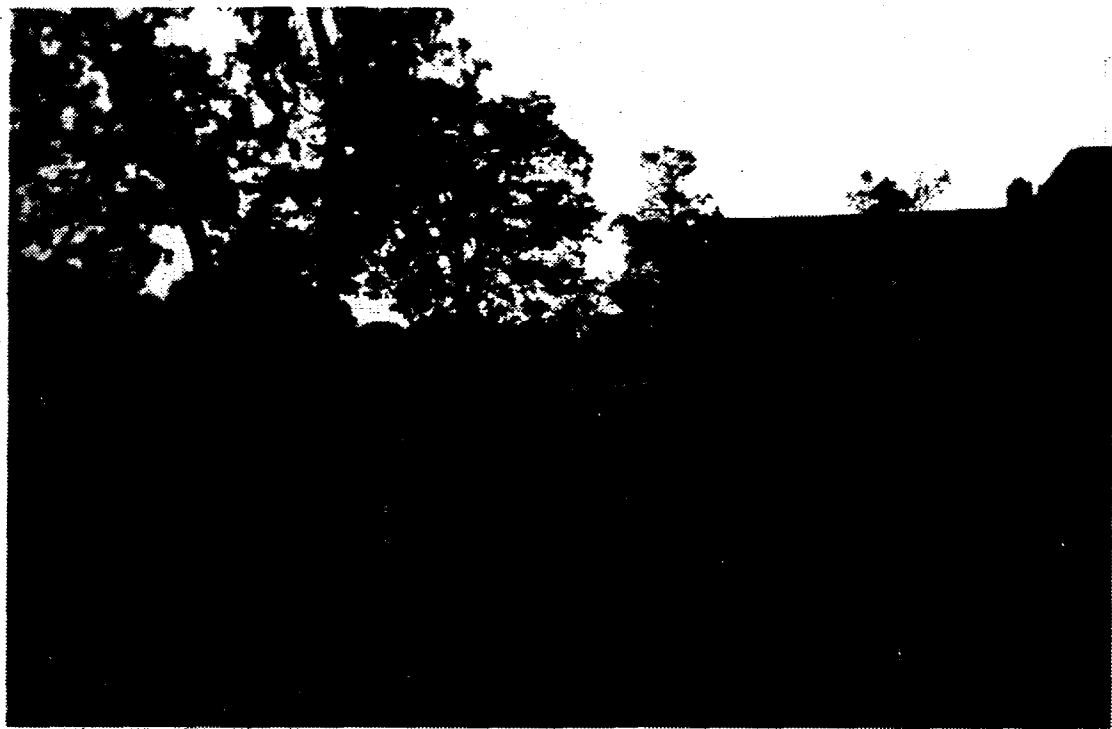
REVISER

Town of New Windsor Orange Co., N.Y.

DRAWING NUMBER

4/03





**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: OCTOBER 24, 2006
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 334.10 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #06-42

NAME & ADDRESS:

**Ronald & Diane Buckner
16 Cannon Drive
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.10-24-06



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #06-42

TYPE: INTERP. AND/OR VARIANCE

TELE:

565-2624

APPLICANT:

Ronald & Diane Buckner
16 Cannon Drive
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # _____
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # <u>2823</u>

ESCROW: COMMERCIAL \$500.00 CHECK # 2824

~~~~~

| <u>DISBURSEMENTS:</u> |  | MINUTES<br>\$7.00 / PAGE | ATTORNEY<br>FEE |
|-----------------------|--|--------------------------|-----------------|
|-----------------------|--|--------------------------|-----------------|

|                              |          |       |                 |                 |
|------------------------------|----------|-------|-----------------|-----------------|
| PRELIMINARY:                 | <u>5</u> | PAGES | \$ <u>35.00</u> | \$ <u>35.00</u> |
| 2 <sup>ND</sup> PRELIMINARY: | —        | PAGES | \$ _____        | \$ _____        |
| PUBLIC HEARING:              | <u>7</u> | PAGES | \$ <u>49.00</u> | \$ <u>35.00</u> |
| PUBLIC HEARING:              | —        | PAGES | \$ _____        | \$ _____        |

LEGAL AD: Publish Date: 8/08/06 \$ 11.90

TOTAL: \$ 95.90 \$ 70.00

~~~~~

ESCROW POSTED: \$ 500.00
LESS: DISBURSEMENTS: \$ 165.90

AMOUNT DUE: \$ _____

REFUND DUE: \$ 334.10

Cc:

L.R. 10-24-06

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

PUBLIC HEARING FOR: Diane Buckner ZBA #06-42

DATE: August 28, 2006

SIGN-IN SHEET

NAME	ADDRESS	PHONE NUMBER
1. <u>Josephine Battapaglia</u>	<u>8 Parade Pl.</u>	
2.		
3.		
4.		
5.		
6.		
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16.		
17.		
18.		
19.		
20.		



PROJECT: Quare Buckner ZBA # 06-42
P.B.#

NEGATIVE DEC: M) S) VOTE: A N

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

APPROVED: M)____S)____ VOTE: A____N____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

CARRIED: Y N

CARRIED: Y N

[illegible]



THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

Invoice

Date	Invoice #
9/12/2006	8190

Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553

RECEIVED

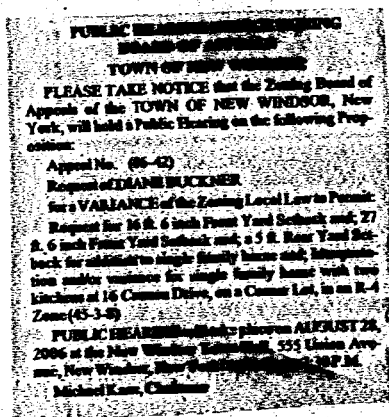
OCT 11 2006

TOWN OF NEW WINDSOR
CONTROLLERS OFFICE

P.O. No.	Terms	Project
42917 46225	Due on receipt	

Issue Date	Description	PCS/Units	Amount
8/8/2006	LEGAL ADS: DIANE BUCKNER 1 AFFIDAVIT	7.90 4.00	7.90 4.00
Total			\$11.90

VISA, MASTERCARD, AMERICAN EXPRESS PAYMENTS ACCEPTED, CALL (845)
562-1218



State of New York

County of Orange, ss:

Patricia Quill being duly

sworn disposes and says that she is The Supervisor of Legal Dept. of the E.W. Smith Publishing Company; Inc. Publisher of The Sentinel, a weekly newspaper published and of general circulation in the Town of New

Windsor, Town of Newburgh and City of Newburgh and that the notice of which the annexed is a true copy was published IX

in said newspaper, commencing on

the 8 day of Aug A.D., 2006

and ending on the 8 day of Aug A.D. 2006

Patricia Quill

Subscribed and shown to before me

this 18th day of Sept, 2006

Deborah Green

Notary Public of the State of New York

County of Orange.

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 10, 2007

My commission expires _____

DIANE_BUCKNER_(06-42)

Ms. Diane Buckner appeared before the board for this proposal.

MR. KANE: Request for 16 ft. 6 in. front yard setback and 27 ft. 6 inch front yard setback and 5 ft. rear yard setback for addition to single family home and interpretation and/or variance for single family home with two kitchens at 16 Cannon Drive on a corner lot. Tell us what you want to do, same as the preliminary.

MS. BUCKNER: I plan on building an addition for my mother to live in. She'll have access into my home through her addition and I will never be renting this out to anyone in the future should my mother pass.

MR. KANE: Will this all be on one main meter coming into the house for gas and electric?

MR. BUCKNER: Yes.

MR. KANE: And there will be as you said there's an internal entrance from the addition to your home?

MR. BUCKNER: Yes.

MR. KANE: And you have no intent at all of using this as a two-family home or renting, sub-rent this out as an apartment, that's not your intent?

MR. BUCKNER: No.

MR. KANE: With building the addition, cutting down any trees or substantial vegetation?

MR. BUCKNER: No.

MR. KANE: Creating any water hazards or runoffs?

MR. BUCKNER: No.

MR. KANE: Is there any easements running through your property?

MR. BUCKNER: No.

MR. KANE: At this point, I will ask if there's anybody in the audience for this particular hearing?

MS. BATTIPAGLIA: Jacqueline Battipaglia. My address is 8 Parade Place. Basically, I just have a couple more questions and you answered most of them already, will you be adding an additional driveway to your home to accommodate your mother's quarters?

MR. BUCKNER: No.

MS. BATTIPAGLIA: In the event your mother ceases to live with you, what are your plans for her unit which includes her private kitchen when your mother no longer lives with you?

MR. BUCKNER: I have three children, more than likely I will turn her area back into one room, make a bedroom, it will have a bathroom also.

MS. BATTIPAGLIA: Just because I couldn't hear all of it you said that to get into your mother's quarters it is accessible from the inside of your house?

MR. BUCKNER: Yes.

MS. BATTIPAGLIA: And I also would like to give you an explanation for why I'm asking. Two doors from me the same thing happened and then mother no longer lived there and the people now the present owner rents it out to unrelated people and it's a problem because they drive up the renters drive up over the curb across the lawn to get to the quarters that were built in the back

of the house and it doesn't make it very attractive for some of us when we want to sell our house because the variance was given for very valid reasons, it's just that afterwards it creates a little bit of a problem for the rest of it which is why I had a major concern for what you wanted to do.

MR. BUCKNER: No, I understand but you can't rent it out, it's not zoned two family. Is that correct?

MR. KANE: Yeah, but this is the real world and people do that stuff. Honestly, that's why you're here, that's why we have the building department bring it in, that's why we get your testimony on record that your intent is to use it and if anything happens later on that will obviously be used against you.

MR. BUCKNER: I could never live with anyone that close to me other than my mother, I thought that through. Also cause she's not going to be here forever and it's small enough that I can make the bathroom nice enough for myself and my husband that we'll just use that, just going to make that a master bedroom.

MS. BATTIPAGLIA: What's the approximate square feet area that you're adding on to your home?

MR. BUCKNER: It's 22 by 42.

MS. BATTIPAGLIA: I'm sorry, 22 by 42.

MR. BUCKNER: The front of that is going to be a living family room for myself.

MS. BATTIPAGLIA: I see. And I have just one final question. When all of you decide that you're not going to live there anymore and the house is put on the market, what can those of us who live around the corner expect for how this house is going to be offered and sold by keeping in mind that I'm already dealing with

two doors away a house that is supposed to be one family residential. Yes, we have multiple non-related people living there and in addition to that when a house sold on Regimental I actually called the realtor and asked for a description of the house and they had told me at that time that could be sold as a two-family house. So I know I have already dealt with this historically and this is why I'd like to know what happens when this family which obviously has every good intention when they sell their home for how it's going to be allowed to be marketed.

MR. BUCKNER: Isn't that mother-daughter?

MR. KANE: You can market it mother-daughter.

MR. BUCKNER: But not two family.

MR. KANE: And single family.

MS. BATTIPAGLIA: What's the recourse for anybody and this is--

MR. KANE: Ma'am, there's no recourse, if you feel that somebody has an illegal apartment in the home you turn it over to the building department, very simple.

MR. BABCOCK: File a complaint.

MS. BATTIPAGLIA: Under the circumstances, I wish your family and your mom the best and happiest time in your lovely neighborhood. I have no objections.

MR. KANE: Any other questions, comments? We'll close the public portion of the hearing and bring it back to the table. Myra, how many mailings did we have?

MS. MASON: On August 7, I mailed out 73 envelopes and had no response.

MR. KANE: Any further questions from the board?

MR. LUNDSTROM: Just a comment pertaining to this woman that asked a question from the audience, I'd ask the attorney to correct me if there's any inconsistencies in what I'm saying. If this variance is granted, if this process is granted, the house will continue to remain a single family house. At the time when the house is sold if I want to buy the house, the bank that would be financing it would write a letter to the town asking for a copy of the C.O. and the town would then inform the bank this is only a single-family home. If I'm looking to buy it as a two-family house, I would then be told by my bank that it is a one-family house.

MR. KANE: The banks are very, very tough.

MR. LUNDSTROM: That's where part of the enforcement comes in.

MR. KRIEGER: I will say if I may, Mr. Chairman, not only is the member correct but in addition banks are a lot more stringent now than they were even just a few years ago. They look very carefully at this business about occupancy and whether it's one or two or three family and what's allowed. They didn't used to be so scrupulous but they are very scrupulous now.

MR. TORPEY: They want letters from the building inspectors.

MR. KRIEGER: They pour over them and if they can find a reason for objecting they do not hesitate to do so.

MR. KANE: Just to give you an example, a number of years ago we refinanced I was told there is an illegal building on my property. I asked them to come out and show it to me and it was a dog house that I didn't have a permit for. And that's not a lie, okay, that's how tough banks are, it's the banks that will follow up on

that stuff and needless to say the dog house went into the shed because I wasn't giving him another 75 bucks. Any further questions? I will accept a motion.

MS. LOCEY: I will offer a motion.

MR. KANE: We need two motions, I need a motion to grant the requested setbacks and you can say it that way and a motion for an interpretation on the second kitchen.

MS. LOCEY: I will offer a motion that the interpretation for this application be determined as a single family home with two kitchens.

MR. TORPEY: I'll second that.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. LOCEY	AYE
MR. KANE	AYE

MS. LOCEY: I will also offer a motion to grant the requested variances on the application of Diane Buckner at 16 Cannon Drive on a corner lot for an addition to the single family home.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. LOCEY	AYE
MR. KANE	AYE

August 28, 2006

42

MR. LUNDSTROM: Ma'am, if you're aware of any violations, please, it's your duty to report them to the town, to file a complaint so that the town can follow up on that and we would encourage you to take that and we'd encourage all of our residents to do the same. Thank you.

July 10, 2006

6

DIANE_BUCKNER_(06-42)

MS. GANN: Request for 16 ft. 6 inch front yard setback and 27 ft. 6 inch front yard setback and a 5 ft. rear yard setback for addition to single family home and interpretation and/or variance for single family home with two kitchens at 16 Cannon Drive on a corner lot.

Ms. Diana Buckner appeared before the board for this proposal.

MS. GANN: Tell us why you're here.

MS. BUCKNER: My name is Diane Buckner, I'm here today because I'd like to put an addition on my home for my mom who's elderly, she's selling her own home and going to move in with me. And I will have an entrance for her from my own dining room area that she can come in and out of if she needs to and I will not be renting this out in the future. If in the event of my mother's death in 10 years or so I still plan to be in the house, I'm just going to open the whole thing up and make a bedroom for myself, it's strictly for her use.

MR. KRIEGER: So it's a single family house?

MS. BUCKNER: Yes.

MR. KRIEGER: Market it as a single family house, will always be a single family house?

MS. BUCKNER: Absolutely will always be a single family house.

MS. GANN: How big is the addition?

MS. BUCKNER: Twenty-two by forty-two, I believe, I can get that.

MS. GANN: Mike, do we have that?

July 10, 2006

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MR. BABCOCK: Yes, 22'6" x 42.

MS. GANN: And what will the addition encompass?

MS. BUCKNER: I plan to put a new living area for myself in the front, behind that will be a living area and sort of kitchenette for my mother and then behind that a bedroom.

MS. GANN: So this little diagram here is what you're looking to do?

MS. BUCKNER: Yes.

MS. GANN: Do we need pictures of the home?

MS. BUCKNER: I brought them in.

MS. MASON: They're attached to the back. I'm sorry, here they are.

MS. GANN: Will you be taking down any substantial vegetation to create this new addition?

MS. BUCKNER: No.

MS. GANN: Do you know of any easements that it will be going over?

MR. KRIEGER: That's a right of somebody else to use your property.

MS. BUCKNER: No.

MR. KRIEGER: Central Hudson may have an easement for power lines, sometimes the Town wants to put a water line or drainage easement, it's, as I say, it's a right for somebody else to use your property.

July 10, 2006

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MS. BUCKNER: No.

MR. KRIEGER: Doesn't stop being your property just they have a right to use it.

MS. BUCKNER: No.

MS. GANN: Create any water hazards or runoff?

MS. BUCKNER: No.

MS. GANN: Will the home be similar in size to other homes that are in the area with the new addition?

MS. BUCKNER: Yes.

MS. GANN: Just obviously for our record purposes to be sure that there will be one meter on the home.

MS. BUCKNER: Yes.

MS. GANN: And water, one water meter as well as--

MR. KRIEGER: One heating system.

MS. BUCKNER: Yes, it's all my responsibility.

MS. GANN: I don't have anything else.

MR. LUNDSTROM: Just one question. In the building of this addition for your mom accessways and doorways going to be wide enough for a wheelchair?

MS. BUCKNER: Certainly I can make that so.

MR. LUNDSTROM: That would probably be a good idea, this way when the time comes and they do need a wheelchair at least they can continue.

MR. KRIEGER: If that time comes generally in life the

things we're best prepared for are the things least likely to happen.

MS. BUCKNER: I will make sure of that. Actually, there's only going to be the entrance for my mother and she'll probably have a large entrance like in between the two rooms as you enter there will be a large walkway. I don't think we settled on the internal plans.

MR. LUNDSTROM: Just a word of advice.

MR. KRIEGER: This unit will not be separated by any locking door?

MS. BUCKNER: No.

MR. KRIEGER: That couldn't be made separate?

MS. BUCKNER: No.

MS. GANN: Any other questions?

MR. TORPEY: No.

MS. GANN: I'll accept a motion.

MR. TORPEY: I will make a motion for Diane Buckner request for 16 foot 16 inch front yard setback and 27 foot 6 inch front yard setback and 5 foot rear yard setback for addition to single family home and interpretation and/or variance for single family home with two kitchens on 16 Cannon Drive R-4 zone for public hearing.

MR. LUNDSTROM: I believe that should have been the request for 16 foot 6 inch front yard setback.

MR. TORPEY: There's two front yard setbacks.

July 10, 2006

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MR. BABCOCK: Yeah, she's on a corner lot.

MR. LUNDSTROM: First he said 16 instead of six inch.

MR. KRIEGER: He read it right, he got them both.

MR. LUNDSTROM: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. GANN	AYE

AFFIDAVIT OF MAILING

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

DIANE BUCKNER

**AFFIDAVIT OF
SERVICE
BY MAIL**

#06-42

X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 7TH day of AUGUST, 2006, I compared the 73 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

26th day of August, 20 06

Lisa R. DiStefano
Notary Public

LISA R. DISTEFANO
Notary Public, State Of New York
No. 01DI6050022
Qualified In Orange County
Commission Expires 10/30/ 06

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

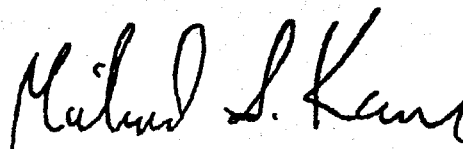
Appeal No. (06-42)

Request of DIANE BUCKNER

for a VARIANCE of the Zoning Local Law to Permit:

Request for 16 ft. 6 inch Front Yard Setback and; 27 ft. 6 inch Front Yard Setback and; a 5 ft. Rear Yard Setback for addition to single family home and; Interpretation and/or variance for single family home with two kitchens at 16 Cannon Drive, on a Corner Lot, in an R-4 Zone (45-3-8)

PUBLIC HEARING will take place on AUGUST 28, 2006
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman



RESULTS OF Z.B.A. MEETING OF: July 18, 2006

PROJECT: Diane Buckner

ZBA # 06-42

P.B.#

USE VARIANCE: NEED: EAF _____ PROXY

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y____N____

PUBLIC HEARING: M)_____ **S)**_____ **VOTE: A**____ **N**_____

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y____N____

NEGATIVE DEC: M) S) VOTE: A N

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y___N___

APPROVED: M)____S)____ VOTE: A____N____

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y____N____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) I S) Lu VOTE: A 3 N 0

GANN A
LUNDSTROM A
~~BOEY~~
TORPEY A
~~WIRE~~

CARRIED: Y ✓ N

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____
VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____.

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y_____N_____.

[illegible]



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

July 17, 2006

Ronald & Diane Buckner
16 Cannon Dr.
New Windsor, NY 12553

Re: 45-3-8

ZBA#: 06-42 (73)

Dear Mr. & Mrs. Buckner:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$95.00 minus your deposit of \$25.00.

Please remit the balance of \$70.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/rah
Attachments

CC: Myra Mason, Zoning Board

49-3-4
GEORGE & NORMA WEYGANT
18 PARADE PL.
NEW WINDSOR, NY 12553

49-4-20
MARY ABBRUSCATO
15 PARADE PL.
NEW WINDSOR, NY 12553

49-3-5
RICHARD BOGARDUS
BETH CASTALDO
16 PARADE PL.
NEW WINDSOR, NY 12553

49-4-21
FRANCIS & MARLENE KOMSISKY
17 PARADE PL.
NEW WINDSOR, NY 12553

49-3-6
TERESA KENAN
14 PARADE PL.
NEW WINDSOR, NY 12553

49-4-22
DONALD & CAROLYN CRONIN
19 PARADE PL.
NEW WINDSOR, NY 12553

49-3-18
THOMAS CARUSO JR.
7 REGIMENTAL PL.
NEW WINDSOR, NY 12553

49-3-19
FRANCES FELLNER
5 REGIMENTAL DR.
NEW WINDSOR, NY 12553

49-3-20
LEONARD & ALICE BAUER
PO BOX 4320
NEW WINDSOR, NY 12553

49-3-21
BETTY LOU & CINDY LOU DRAKE
4 MUSKET PL.
NEW WINDSOR, NY 12553

49-4-1
KENNETH & CAROL PICK
21 PARADE PL.
NEW WINDSOR, NY 12553

49-4-2
THERESA RUSSO
27 PROVOST DR.
NEW WINDSOR, NY 12553

49-4-3
JOSEPH & LYDIA COMO
25 PROVOST DR.
NEW WINDSOR, NY 12553

45-1-24
LUCCILLE GREINER
24 CONTINENTAL DR.
NEW WINDSOR, NY 12553

45-1-25
VINCENT & JOAN GRANIERI
26 CONTINENTAL DR.
NEW WINDSOR, NY 12553

45-1-26
SAMUEL, RUBY, & LEON JONES
28 CONTINENTAL DR.
NEW WINDSOR, NY 12553

45-1-27
FRANCES AUGUST &
PHILLIP SANTANTASIO
30 CONTINENTAL DR.
NEW WINDSOR, NY 12553

45-1-30
GEORGE & LAUREL HEINE JR.
36 CONTINENTAL DR.
NEW WINDSOR, NY 12553

45-1-31
WILLIAM & CHRISTINE
GEGENHEIMER
38 CONTINENTAL DR.
NEW WINDSOR, NY 12553

45-1-32
JAVIER & NORMA GARCIA
40 CONTINENTAL DR.
NEW WINDSOR, NY 12553

45-1-33
GERALD & DEBORA WYNTERS
HERBERT MILCH
42 CONTINENTAL DR.
NEW WINDSOR, NY 12553

45-1-34
THOMAS & CATHERINE DURKIN
44 CONTINENTAL DR.
NEW WINDSOR, NY 12553

45-1-35
RENEE KROUN
46 CONTINENTAL DR.
NEW WINDSOR, NY 12553

45-1-36
CHEIN-MIN & YAO-MING LU
48 CONTINENTAL DR.
NEW WINDSOR, NY 12553

45-1-37
ANIBAL & MARIA BALBUENA
50 CONTINENTAL DR.
NEW WINDSOR, NY 12553

45-1-38
SHRRI GREENBERG
85 TERHUNE AVE.
PASSAIC, NJ 07055

45-1-39
NORTH PLANK DEVEL. CO. LLC
5020 RT 9W
NEWBURGH, NY 12550

45-2-1
ALEXANDER & PATRICIA MILNE
27 CONTINENTAL DR.
NEW WINDSOR, NY 12553

45-2-2
WALTER & JOAN MARVEL III
25 CONTINENTAL DR.
NEW WINDSOR, NY 12553

45-2-3
CHARLES & KATHY HUNTER
15 MUSKET PL.
NEW WINDSOR, NY 12553

45-2-4
PETER & DOLORES VALENTINO
13 MUSKET PL.
NEW WINDSOR, NY 12553

45-2-5
JAMES & JENNIFER MITRU
11 MUSKET PL.
NEW WINDSOR, NY 12553

45-2-6
CHRISTOPHER & JEANNINE LEGGETT
9 MUSKET PL.
NEW WINDSOR, NY 12553

45-2-7
ROSE MARVEL & ESTELLE RYAN
7 MUSKET PL.
NEW WINDSOR, NY 12553

45-2-8
ANN PLASS
5 MUSKET PL.
NEW WINDSOR, NY 12553

45-2-9
ROBERT & THERESA PENEY
3 MUSKET PL.
NEW WINDSOR, NY 12553

45-2-10
VINCENZA CULLARO
1 REGIMENTAL PLACE
NEW WINDSOR, NY 12553

BASIL KOMONDAREA
41 CONTINENTAL DR.
NEW WINDSOR, NY 12553

45-2-12
BEVERLY & THOMAS KARAS
39 CONTINENTAL DR.
NEW WINDSOR, NY 12553

45-2-13
DIANE KENNELLY
37 CONTINENTAL DR.
NEW WINDSOR, NY 12553

45-2-14
JOHN & JEAN ROBERTS
35 CONTINENTAL DR.
NEW WINDSOR, NY 12553

45-2-15
STEVEN PONESSE &
DAWN MARIE MULDER
33 CONTINENTAL DR.
NEW WINDSOR, NY 12553

45-2-16
STEVEN & SHEILA DECICCO
31 CONTINENTAL DR.
NEW WINDSOR, NY 12553

45-2-17

EDWARD & LENORE SMITH
29 CONTINENTAL DR.
NEW WINDSOR, NY 12553

45-3-1

DONALD & KAREN FASSBENDER
8 MUSKET PL.
NEW WINDSOR, NY 12553

45-3-2

MICHAEL & DENISE KIRK
26 PARADE PL.
NEW WINDSOR, NY 12553

45-3-3

FRANK & KATHLEEN CERIELLO
24 PARADE PL.
NEW WINDSOR, NY 12553

45-3-4

PAUL & DONNA SABELLA
22 PARADE PL.
NEW WINDSOR, NY 12553

45-3-5

CLEMENTINA GRIMANDO
10 CANNON DR.
NEW WINDSOR, NY 12553

45-3-6

KATHY & APOSTOLOS AMANATIDES
12 CANNON DR.
NEW WINDSOR, NY 12553

45-3-7

MILDRED GATLING
14 CANNON DR.
NEW WINDSOR, NY 12553

45-3-8

RONALD & DIANE BUCKNER
16 CANNON DR.
NEW WINDSOR, NY 12553

45-4-1

KENNETH & CATHERINE ROSE
21 CONTINENTAL DR.
NEW WINDSOR, NY 12553

45-4-2

ROBERT & ANNETTE GAYDOS
19 CONTINENTAL DR.
NEW WINDSOR, NY 12553

45-4-3

ALFREDO & ELIZABETH LAVIGAT
17 CONTINENTAL DR.
NEW WINDSOR, NY 12553

45-4-4

JOSEPH CARDONA
15 CONTINENTAL DR.
NEW WINDSOR, NY 12553

45-4-5

REYNALDO CORREA
13 CONTINENTAL DR.
NEW WINDSOR, NY 12553

45-4-6

MAURICE PICARD
11 CONTINENTAL DR.
NEW WINDSOR, NY 12553

45-4-13

JAMES & PAULA BRESNAN
8 CANNON DR.
NEW WINDSOR, NY 12553

45-4-14

MICHAEL & EILEEN DOWD
23 PARADE PL.
NEW WINDSOR, NY 12553

45-4-15

RICHARD BITTLES
25 PARADE PL.
NEW WINDSOR, NY 12553

45-4-16

MARC & CATHERINE MOREA
27 PARADE PL.
NEW WINDSOR, NY 12553

45-4-17

JAMES & VERONICA KELLY
29 PARADE PL.
NEW WINDSOR, NY 12553

45-4-18

MARGARET & JEFFREY PAGANO
31 PARADE PL.
NEW WINDSOR, NY 12553

45-4-19

WILLIAM BRETNALL, JR.
33 PARADE PL.
NEW WINDSOR, NY 12553

45-4-20

KEVIN & JENNIFER DOYLE
35 PARADE PL.
NEW WINDSOR, NY 12553

45-4-21

MARGUERITE BRODESKI
10 MUSKET PL.
NEW WINDSOR, NY 12553

49-2-1

DAVID & DIANA KETTNER
43 CONTINENTAL DR.
NEW WINDSOR, NY 12553

49-2-2

FRANCIS & SUSAN SOMMERLAD
2 REGIMENTAL PL.
NEW WINDSOR, NY 12553

49-2-3

JOHN & ANGELA PARRINO
4 REGIMENTAL PL.
NEW WINDSOR, NY 12553

49-3-1

VITO & KATHERINE GUIDICE
17 CANNON DR.
NEW WINDSOR, NY 12553

49-3-2

RAYMOND & GLORIA LOPEZ
11 CANNON DR.
NEW WINDSOR, NY 12553

49-3-3

GLENN GIAMETTA
20 PARADE PL.
NEW WINDSOR, NY 12553

● TOWN OF NEW WINDSOR ●
REQUEST FOR NOTIFICATION LIST

CHECKED BY MYRA: 07-10-06 mm

DATE: 07-10-06 PROJECT NUMBER: ZBA# 06-42 P.B. # _____

APPLICANT NAME: DIANE WILKINSON (BUCKNER)

PERSON TO NOTIFY TO PICK UP LIST:

Ronald & Diane Buckner
16 Cannon Drive
New Windsor, NY 12553

TELEPHONE: 914-804-3110

TAX MAP NUMBER: SEC. 45 BLOCK 3 LOT 8
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 16 CANNON DRIVE
NEW WINDSOR

LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION _____
(IS NOT PREPARED ON LABELS)

❖ ❖

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 2825

TOTAL CHARGES: _____

Town of New Windsor

555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#550-2006

07/06/2006

Buckner II, Ronald ZBA #06-42

Received \$ 150.00 for Zoning Board Fees, on 07/06/2006. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: JULY 5, 2006

FOR: ESCROW 06-42

FROM:

Ronald & Diane Buckner
16 Cannon Drive
New Windsor, NY 12553

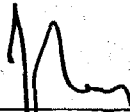
CHECK FROM:
SAME

CHECK NUMBER: 2824

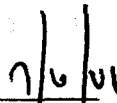
TELEPHONE: 565-2624

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME



DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

July 5, 2006

Ronald & Diane Buckner
16 Cannon Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #06-42

Dear Mr. & Mrs. Buckner:

This letter is to inform you that you have been placed on the July 10, 2006 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

16 Cannon Drive
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

3-30-06
Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☐

I. **Owner Information:** Phone Number: (845) 565-2624
Ronald & Diane Buckner Fax Number: ()
(Name)
16 Cannon Dr. New Windsor
(Address)

II. **Applicant:** Phone Number: ()
as above Fax Number: ()
(Name)

(Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: ()
Fax Number: ()
(Name)

(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number (845) 497-9772
Fax Number: ()
REP Construction Raymond Paulina
(Name)

(Address)

V. **Property Information:**
Zone: R4 Property Address in Question: 16 Cannon Drive
Lot Size: _____ Tax Map Number: Section 45 Block 3 Lot B
a. What other zones lie within 500 feet? _____
b. Is pending sale or lease subject to ZBA approval of this Application? no
c. When was property purchased by present owner? 70/87
d. Has property been subdivided previously? no If so, When: _____
e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? no
f. Is there any outside storage at the property now or is any proposed? no

****PLEASE NOTE:*****

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF
SUBMITTAL.**

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

Addition will be used to house elderly
parent.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
 - ☐ One in the amount of \$ 300.00 or 500.00 , (escrow)
 - ☐ One in the amount of \$ 50.00 or 150.00 , (application fee)
 - ☐ One in the amount of \$ 25.00 , (Public Hearing List Deposit)
- ☐ Photographs of area that variances is being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

20th day of June 2008.

Diane C. Wilkerson

Owner's Signature (Notarized)

Diane Wilkerson

Owner's Name (Please Print)

DL# 681-985-092 exp. 09-16-09

H. J. Mead
Signature and Stamp of Notary

JENNIFER MEAD
Notary Public, State of New York
No. 01ME6050024
Qualified in Orange County
Commission Expires 10/30/2006

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**OWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

- (a) Variance requested from New Windsor Zoning Local Law,
Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1			
Sign #2			
Sign #3			
Sign #4			

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs _____?

XI. INTERPRETATION:

- (a) Interpretation requested of New Windsor Zoning Local Law,
Section _____

- (b) Describe in detail the proposal before the Board:

*Variance for 2nd kitchen is needed for
my mother who will be living in that addition.*

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR Ronald + Diane Buckner	2. PROJECT NAME Addition to Home
3. PROJECT LOCATION: Municipality <u>Town of New Windsor</u> County <u>ORANGE</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 16 Cannon Dr. New Windsor, N.Y.	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Addition to single family home to accomodate elderly family member - to remain single family home w/2 Kitchens	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals Building Permit	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>Diane Wilkinson Buckner</u>	Date: <u>6-22-06</u>
Signature: <u>Diane Wilkinson Buckner</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 8 NYCRR, PART 617.12?

If yes, coordinate the review process and use the FULL EAF.

☐ Yes ☐ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 8 NYCRR, PART 617.8?

If No, a negative declaration may be superseded by another involved agency.

☐ Yes ☐ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

☐ Yes ☐ No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

6-20-06

Date



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST MEETING.

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

**

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
3. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.39 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.